

HOUSE BILL REPORT

ESHB 1004

As Amended by the Senate

Title: An act relating to transient sex offenders.

Brief Description: Requiring transient sex offenders to report regularly to the county sheriff.

Sponsors: By House Committee on (Originally sponsored by Representatives Ballasiotes, O'Brien, Benson, Radcliff, Mitchell, Quall, Dickerson, Cairnes, Morris, Hurst, Campbell, Koster, Bush, Mulliken, Kastama, Miloscia, Conway, Esser, Scott, McIntire, Kessler, Keiser, Mielke, Carrell, McDonald, Dunn, Kenney, Ogden, Schoesler, Rockefeller and Wood).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/19/99, 1/27/99 [DP];

Appropriations: 2/22/99, 3/3/99 [DPS].

Floor Activity:

Passed House: 5/17/99, 96-0.

Senate Amended.

Passed Senate: 5/19/99, 47-0.

Brief Summary of Substitute Bill

- Requires transient sex offenders classified as risk level I to report monthly, in person, to the sheriff's office.
- Requires transient sex offenders classified as risk level II or III to report weekly, in person, to the sheriff's office.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine and Kagi.

Staff: Yvonne Walker (786-7841).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 32 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Staff: Dave Johnson (786-7154).

Background:

In 1997, the Washington Legislature passed legislation requiring the Department of Corrections (DOC), the Juvenile Rehabilitation Administration (JRA), and the Indeterminate Sentence Review Board (ISRB) to classify all sex offenders released from their facilities into one of three risk levels: I (low risk), II (moderate risk), or III (high risk).

The administrators of these agencies (including county and municipal jails) must then notify the sheriff of the county and, where applicable, the police chief of the city where the offender intends to reside upon release. The notices must contain the identity, criminal history behavior, and risk level classification for each sex offender planning to reside in their district. The local law enforcement agencies may then use this information to notify local communities regarding the upcoming release of a sex offender when it is necessary for public protection.

Currently there are no state specifications on where a sex offender can live upon being released to the community. However, each year the county sheriff must attempt to verify the sex offender's registered address by mailing a verification form to the last registered address. The offender must sign the verification form, state on the form whether he or she still resides at the last registered address, and return the form to the county sheriff within 10 days after receipt of the form.

Over the years, indigent sex offenders register their address as "transient." Sex offenders who register as transient are not required to maintain contact with law

enforcement. Verifying whether or not an offender is still in the community is impossible without a physical address.

A person convicted of a felony sex or kidnapping offense who knowingly fails to register or who moves without notifying the county sheriff is guilty of a class C felony.

Summary of Bill:

A sex offender who ceases to have a fixed residence must provide written notice to the sheriff of the county where he or she last registered within fourteen days after ceasing to have a fixed address. A sex offender who is unable to provide a residential address is deemed to reside in the county where he or she is physically located. A sex offender who lacks a fixed residence and leaves the county in which he or she is registered and remains in that new county for twenty four hours must register in person to the county sheriff's office within twenty-four hours after entering the county.

A transient (homeless) sex offender, upon registering, must provide that sheriff's office with his or her name, the county where he or she will be residing, date and place of birth, place of employment, crime for which convicted, date and place of conviction, any alias used, social security number, a photograph, and fingerprints. A sex offender who ceases to have a fixed residence and is planning to remain in the same current county is not required to provide new fingerprints or a photograph unless required by that sheriff's department.

The lack of a fixed residence is a factor that the Department of Corrections, the Juvenile Rehabilitation Administration, the Indeterminate Sentencing Review Board, and local law enforcement agencies may considered in determining a sex offender's risk level.

Kidnappers and sex offenders, lacking a fixed residence, classified as a risk level I offender must report monthly to the county sheriff. Kidnappers and sex offenders, lacking a fixed residence, classified as a risk level II or III must report weekly to the county sheriff.

EFFECT OF SENATE AMENDMENT(S): Any sex offender who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff.

Any homeless sex offender, planning to stay in the same county as his or her previous residence, does not have to provide a new photograph or fingerprints as part of his or her registration process unless required by that county sheriff.

Kidnappers, lacking a fixed residence, classified as a risk level I offender must report monthly to the county sheriff. Kidnappers, lacking a fixed residence, classified as a risk level II or III must report weekly to the county sheriff.

A provision is added to include an emergency effective date.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on August 1, 1999.

Testimony For: (Criminal Justice & Corrections) Sex offenders have found a loop hole in the law by registering their address as "transient." Since many shelters will not accept offenders with a sex offense, many sex offenders registering as transient have been known to just live in parking lots, the woods, or just float from one place to another. By requiring transient sex offenders to report to the local sheriffs office on a regular basis this will force most of them to find a permanent address or possibly move completely out of state. Since these are transient sex offenders they have plenty of time to report in on a regular basis at the 24-hour manned sheriffs' departments. This bill will not burden sheriffs' departments with extra work since now the transient sex offenders will be required to come to them and the sheriffs will not have to send their own staff out into the field to track these offenders down on an everyday basis.

(Appropriations) (Original bill) This bill came from Thurston County where there were a number of level III transient sex offenders. The county did not know where the offenders were, and this was the county's solution. This is a way of keeping track. Level III offenders are predatory. These offenders often get forced out of neighborhoods, and many shelters will not accept them. This will help prevent them from reoffending and will help law enforcement find them when they do commit a crime.

Testimony Against: (Criminal Justice & Corrections) None.

(Appropriations) None.

Testified: (Criminal Justice & Corrections) (In support) Joe Hawe, Clallam County Sheriff; Daryl Leischner, Thurston County Sheriff's Office; Michael Shaw, Washington State Association of Counties; and Gary Edwards, County Sheriff.

(Appropriations) (In support) Representative Ballisiotes, prime sponsor; and Representative O'Brien, sponsor.

(Appropriations) (In support with amendment) Michael Shaw, Washington State Association of Counties.